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**RE:** OFFICIAL PAPER

**TO:** Examiner Hanh Phan  
U.S. Patent and Trademark Office

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**DATE:** June 3, 2005

**Pages (incl. Cover):** 3

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**Re:** Comments On Statement Of Reasons For Allowance

**Case No.:** D. M. Marom 3

**Ser. No.:** 09/944802

**File Date:** August 31, 2001

**Title:** Tunable, Multi-Port Optical Add-Drop Multiplexer

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June 3, 2005

*Sharon Lobosco*  
Sharon Lobosco

Serial No. 09/944,802

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**PATENT APPLICATION**

Dan Mark Marom

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JUN 09 2005

**CASE 3**

Serial No. 09/944802

Group Art Unit 2633

Filed August 31, 2001

Examiner H. Phan

Title Tunable, Multi-Port Optical Add-Drop Multiplexer

**COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450**

**SIR:**

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

The Notice of Allowability mailed on May 17, 2005 contains an Examiner's Statement of Reasons for Allowance.


The Statement indicates that claims 1-9 are allowable because the instant application is directed to a non-obvious improvement over the prior art (Milton et al.), but the Statement then appears to refer to specific recitations from independent claim 1 in characterizing the improvement. The Statement then indicates that "[t]his patentable distinction is included in independent claims 1, 8 and 9."

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While some of the recitations from claim 1 may be similar to those contained in independent claims 8 and 9, the Applicant objects to the Statement to the extent that the Statement differs from the language of any of the independent claims, e.g., claims 8 and 9. In particular, the Applicant rejects any narrowing or limitations that might possibly result from such differences.

Respectfully submitted,

  
Gregory J. Murgia  
Reg. No. 41,209  
Attorney for Applicant

Date: 6/3/05  
Docket Administrator (Room 3J-219)  
Lucent Technologies Inc.  
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Holmdel, NJ 07733-3030

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6/3/04  
Date

  
SHARON LOBOSCO